

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
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**FISCAL IMPACT STATEMENT**

**LS 6210**

**BILL NUMBER:** HB 1079

**DATE PREPARED:** Nov 8, 2000

**BILL AMENDED:**

**SUBJECT:** Temporary signs in highway right-of-way.

**FISCAL ANALYST:** James Sperlik

**PHONE NUMBER:** 232-9866

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** This bill allows a property owner to erect a sign on a highway right-of-way that is on the owner's property. It provides that the sign must be removed not later than 60 days after it is erected, that the placement of the sign may not create an unsafe condition, and that the maximum area of the sign may not exceed six square feet. The bill provides that a violation of the chapter is a Class D infraction.

**Effective Date:** July 1, 2001.

**Explanation of State Expenditures:** For the Indiana Department of Transportation, (INDOT) there will be administrative expenses associated with the implementation of this proposal. For example, the INDOT must provide notification by certified mail to the owner of the property on which the violation occurred. The cost for certified mail (return receipt requested) is \$2.65, plus the actual postage. There may be other specific costs associated with the implementation of this proposal, but they are expected to be minimal. The fund affected is the State Highway Fund.

In addition, the bill provides that the State Police, along with local law enforcement, shall enforce the provisions of this bill. For the State Police, this proposal likely will require additional staff time. The specific impact for the State Police will depend upon the amount of time devoted to enforcing the provisions of this proposal. The average hourly rate of pay for all State Police enforcement employees is approximately \$24.43. The funds affected are the State General Fund, the Motor Vehicle Highway Account, and the Motor Carrier Regulation Fund, all of which support the State Police.

**Explanation of State Revenues:** If additional court cases occur, revenue to the State General Fund may increase if infraction judgments and court fees are collected. The maximum judgment for a Class D infraction is \$25 which is deposited in the State General Fund. If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed. 70% of the court fee would be deposited in the State General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

**Explanation of Local Expenditures:** The specific impact for local law enforcement will depend upon the amount of time devoted to enforcing the provisions of this proposal. The statewide average hourly rate of pay for city police enforcement employees is approximately \$22.00. For county law enforcement employees, the statewide average hourly rate of pay is approximately \$19.25.

**Explanation of Local Revenues:** If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund.(2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:** Department of Transportation; State Police.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Actuarial Valuation of the State Police; Actuarial Valuation for Police and Firefighters; and Doug Gosser of the Indiana Sheriffs Association, 356-3633.